

NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR
41.37(c)

- 1) With regard to section IV, the **status of all amendments filed subsequent to the final rejection** should be given. A generic statement that no amendments to the claims are pending is not specific enough to meet this requirement.
- 2) With regard to section V, each independent claim (claim 10) must be provided with a concise explanation of the included subject matter and shall refer to the specification by page and line number and to the drawings by reference character. With regard to claim 10, applicant has only provided a statement with regard to the means plus function language of the claim and provided nothing with regard to the remaining claim language of claim 10.
- 3) With regard to section VI, the statement of the Grounds of Rejection to be Reviewed cannot include any arguments concerning the merits of the grounds of rejection presented for review. The Grounds of Rejection to be Reviewed included in pages 4-6 of applicant's Appeal Brief does not comply with this requirement because statements as to what Roberts, Medlock, Coughlin, and McClenahan do or do not contain belong in the ARGUMENTS section and not in the GROUNDS OF REJECTIONS TO BE REVIEWED section.
- 4) With regard to section VIII, applicant has not included a claims appendix that contains a copy of the claims involved in the appeal.
- 5) With regard to section IX, applicant states that copies have already been submitted with regard to paragraph (c)(1)(ii). In item II of applicant's APPEAL BRIEF, applicant states that there are no related appeals or interferences. These two statements are inconsistent and contradictory and such must be resolved to provide a compliant appeal brief.

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6) Note that any further non-compliant APPEAL BRIEFS will be given notice of why they are not compliant but no new time period will be set.

7) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877 and whose e-mail address is (Stephen.Johnson@uspto.gov). The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The Central FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.

/Stephen M. Johnson/
Primary Examiner, Art Unit 3641

SMJ
June 4, 2008